



HF 744 – Enticement of a Minor (LSB 1327HV)

Analyst: Beth Lenstra (Phone: 515-281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version – New

Requested by Representative Deborah L. Berry

Description

House File 744 eliminates the aggravated misdemeanor crime of attempting to entice a minor, and elevates the crime of attempting to entice a minor to the level of enticing a minor. The Bill requires the offender to commit an overt act evidencing a purpose to entice in order to be convicted.

Background

Correctional and Fiscal Information

1. Current law provides a graduated system of penalties for enticing a minor, ranging from an aggravated misdemeanor to a Class C felony. There were no Class C felony convictions for this offense in FY 2008. This Bill eliminates the aggravated misdemeanor penalty. Therefore, what are now aggravated misdemeanor convictions will become Class D felony convictions under House File 744.
2. There were four Class D and 14 aggravated misdemeanor convictions for enticing a minor in FY 2008. All of the FY 2008 aggravated misdemeanor convictions involved law enforcement posing as minors using the internet. The law enforcement task forces are funded by the Internet Crimes Against Children (ICAC) initiative.
3. The ICAC Task Force Program assists State and local law enforcement agencies in interdiction efforts for cyber enticement and child pornography cases. Iowa currently receives ICAC funding from the U.S. Department of Justice, and is scheduled to receive additional funds for this purpose from the American Recovery and Reinvestment Act of 2009.
4. Enhancing penalties increases the average length of stay in prison and the incarceration rate (number of offenders sentenced to prison). The average length of stay in prison is 14.2 months for an aggravated misdemeanor sex offense, and 31.5 months for a Class D felony sex offense. The average length of stay on parole is 5.6 months for an aggravated misdemeanor and 15.1 months for a Class D felony.
5. The incarceration rate to prison is 40.0% for an aggravated misdemeanor offender and 43.0% for a Class D felony offender.
6. The average cost per misdemeanor case for the court system is \$180 for a bench trial and \$1,000 for a jury trial. The average cost per felony case for the court system is \$360 for a bench trial and \$2,400 for a jury trial.
7. The average cost per case for indigent defense is \$1,200 for either an aggravated misdemeanor or a Class D felony.
8. The average daily cost for probation or parole is \$3.75. The average length of stay on probation is 24.1 months for an aggravated misdemeanor and 35.5 months for a Class D felony.
9. The marginal cost (support budget only) for the State prison system is \$18.72 per day.

10. These offenders are required to comply with the terms of the Sex Offender Registry, and are placed in sex offender treatment, intensive supervision, and electronic monitoring while on probation or parole.
11. The cost per Global Positioning System bracelet is \$7 per day. The current practice of the Department of Corrections is to electronically monitor sex offenders using the GPS bracelet while they are under any type of supervision in the community.

Minority Data Information

1. Iowa's prison population was 8,740 offenders on June 30, 2008. Men comprise 91.3% of the population. According to the Department of Corrections (DOC), the racial composition of the prison system was: 72.3% white; 25.2% black; 0.8% Asian or Pacific Islander; and 1.6% American Indian or Alaska Native; and 0.1% was unknown.
2. The majority of sex offenders admitted to DOC custody or supervision are White non-Hispanic males.

Assumptions

Correctional and Fiscal Information

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. The criminal sentencing enhancement takes effect July 1, 2009. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.

Minority Data Information

1. The minority impact is expected to mirror current statistics.
2. Approximately 14.0% of Iowa's population has at least one disability. The number of offenders convicted under this Bill who have a disability may be 14.0%.

Summary of Impacts

Correctional Impact

The correctional impact of House File 744 is an estimated seven new Class D felony convictions in FY 2010, and 14 annually thereafter. Admissions to prison will not change; the offenders would have been sent to prison under current law. However, the prison population will increase because of the length of stay for a Class D felon sex offender (31.5 months) is 121.8% longer than an aggravated misdemeanor sex offender (14.2 months).

The prison population will increase by an estimated three offenders in FY 2011, seven offenders in FY 2012, and eight offenders annually thereafter. To the extent that federal grants are used to fund ICAC Task Forces, and charges are successfully prosecuted, the correctional impact may be greater than indicated in this fiscal note.

Minority Impact

The minority impact is expected to be minimal because the majority of offenders convicted under Section 710.10, Code of Iowa, are White non-Hispanic males.

Fiscal Impact

The Bill has the following fiscal impacts:

- FY 2010: estimated to be a minimal increase to the court system.
- FY 2011: estimated to be \$23,000 for increased court and prison costs.
- FY 2012: estimated to be \$50,000 for increased court and prison costs.

This above fiscal impact is expected to be the minimum impact of this Bill. There will be significant increases in State costs beyond the projections in this fiscal note, to the extent that federal ICAC funding is available for State and local law enforcement, and State rather than federal charges are brought.

Sources

Judicial Branch
Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Office of the State Public Defender

/s/ Holly M. Lyons

March 23, 2009

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56](#), [Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
